

### **REMARKS**

At present, Claims 1-13, 20-22 and 25-26 are rejected under 35 U.S.C. § 101. Claims 1-26 are rejected under 35 U.S.C. §103(a) as being unpatentable over Jones in view of Bierwirth. Applicant appreciates the Examiner's participation in an interview with Applicant's undersigned attorney on January 23, 2009.

In the interview, we discussed Applicant's proposed amendments to Claims 1-13, 20-22 and 25-26. Applicant believes that, in light of the above claim amendments, the rejection under 35 U.S.C. § 101 is now overcome.

In the interview, we further discussed the differences between the claimed invention and the cited prior art. Specifically, we discussed how Bierwirth uses consecutive yearly data, whereas the claimed invention uses data from randomly selected historical time intervals. As previously detailed in Applicant's Response dated November 16, 2006, the claimed invention's use of data from randomly selected historical time intervals enables an extremely large number of possible plan scenarios to be analyzed, thereby providing a comprehensive statistical analysis of the potential performance of the financial plan. Further, the claimed invention's use of data from randomly selected historical time intervals avoids Bierwirth's problem of overweighting certain historical return periods.

Finally, in the interview we discussed that the claimed invention's use of data from randomly-selected historical time intervals is not used in the financial planning industry and would not be obvious to one skilled in the art of evaluating financial plans. This point was previously discussed in the inventor's Declarations.

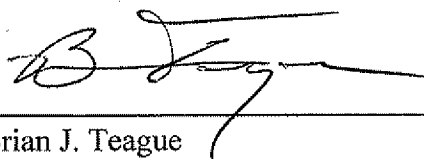
Applicant submits that the claimed invention is patentably distinct from Jones and Bierwirth, either alone or in combination. Applicant believes that, in light of the previously submitted arguments and the discussions during the interview, the rejection under 35 U.S.C. § 103 is now overcome.

### CONCLUSION

In view of the foregoing remarks, Applicant respectfully submits that all of the claims of the present application are in condition for allowance. It is respectfully requested that a Notice of Allowance be issued in due course. The Examiner is encouraged to contact Applicant's undersigned attorney to resolve any remaining issues in order to expedite examination of the present application.

It is not believed that extensions of time or fees for net addition of claims are required, beyond those that may otherwise be provided for in documents accompanying this paper. However, in the event that additional extensions of time are necessary to allow consideration of this paper, such extensions are hereby petitioned under 37 CFR § 1.136(a), and any fee required therefore (including fees for net addition of claims) is hereby authorized to be charged to Deposit Account No. 50-2127.

Respectfully submitted,



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